

1 **Speaker 1:** Welcome to Akerman Senterfitt conferencing.
2 Please enter your passcode followed by the pound or hash key.
3 Please hold while I confirm your passcode. Thank you. Your
4 passcode is confirmed. Please wait for the tone. Then say
5 your name and press the pound or hash key.
6

7 **Mr. Intetianbor:** Abe.
8

9 **Speaker 1:** When you hear the tone you will be the third
10 person to join the meeting. Joining the meeting
11

12 **Speaker 2:** Good morning.
13

14 **Speaker 3:** Good morning.
15

16 **Mr. Intetianbor:** Hello
17

18 **Mr. Chasing Hawk:** Hello
19

20 **Mr. Intetianbor:** Yes this is Abraham Intetianbor with ...
21 Intetianbor versus CashCall.
22

23 **Mr. Chasing Hawk:** OK, can I put you guys on speaker phone.
24

25 **Mr. Intetianbor:** Say that again.
26

27 **Mr. Chasing Hawk:** Can I put you guys on the speaker phone.
28

29 **Mr. Intetianbor:** Yeah, go ahead.
30

31 **Speaker 2:** Sure.
32

33 **Mr. Chasing Hawk:** Then I have a tape recorder and I'm going to
34 record the proceedings. Is that OK?
35

36 **Mr. Intetianbor:** OK. That's fine and are we allowed to record
37 too?
38

39 **Mr. Chasing Hawk:** OK, I'll go ahead and get that recording
40 going and I'll put you guys on speaker phone here.
41

42 **Speaker 2:** You're Honor, Chris, Chris Carver is just running
43 a few minutes late. He should be here any minute. I'm not
44 sure if you're able to wait just a minute or two before we
45 begin.
46

47 **Mr. Chasing Hawk:** Yeah, we can wait. We can wait.

EXHIBIT

B

1
2 **Mr. Intetianbor:** And just so I know, now that he's running
3 late, how long is this preliminary hearing going to be for
4 because I was never given any whatever rules or time-line or
5 anything else, so how long is this going to be for that way I
6 know how to work on my schedule.
7

8 **Mr. Chasing Hawk:** It's going to be informal. I don't want to ...
9

10 **Mr. Intetianbor:** I didn't ask about the form Your Honor I ask
11 about the time.
12

13 **Mr. Chasing Hawk:** Ah the time, yeah the time it can ... for
14 however long you guys want to go for and I can go ... sit here
15 all day if I have to. It's up to you guys.
16

17 **Mr. Intetianbor:** OK, CashCall attorney do you have an idea
18 about the timing on this one?
19

20 **Speaker 2:** Again this is up to Your Honor to proceed. We'll
21 proceed as you deem fit. We have made ourselves available.
22

23 **Mr. Intetianbor:** OK, so we're just going to wait until Chris,
24 Christopher Carver gets in right?
25

26 **Speaker 2:** He's here right now Your Honor.
27

28 **Mr. Carver:** OK, hi, sorry about that. I had to take the dog to
29 the vet this morning. Is Mr. Intetianbor on the phone?
30

31 **Mr. Intetianbor:** I'm on the phone.
32

33 **Mr. Carver:** Oh, OK. So let's ... I guess we're going to ... we
34 need to set the final hearing and any additional briefing
35 schedule, correct?
36

37 **Mr. Chasing Hawk:** Correct.
38

39 **Mr. Carver:** OK. Mr. Intetianbor are there any dates when
40 you're not available for a final hearing?
41

42 **Mr. Intetianbor:** What dates do you guys have available?
43

44 **Mr. Carver:** I'm fairly flexible but more so the mid to later
45 portion of July is not good. I don't know whether we want to
46 try to do it ... We could do it the 12th of July or we could do
47 it ...

1
2 **Mr. Intetianbor:** What day is the 12th?

3
4 **Mr. Carver:** The 12th is a Friday.

5
6 **Mr. Intetianbor:** OK, what other options, dates do you have?

7
8 **Mr. Carver:** Yes, the problem that I have is I've got a hearing
9 ... a major hearing on the 10th which takes out the prior week,
10 and of course the prior week also includes the 4th of July
11 weekend and I'm technically on a two week trial calendar from
12 the 15th to the 26th but I can probably ... I don't think the
13 trial is going to go then so I can set it ... we can do the 19th
14 or the 26th of July which are also Fridays.

15
16 **Mr. Intetianbor:** OK, so the 12th is Friday and what time?

17
18 **Mr. Carver:** We can do it at noon but that depends on the
19 arbitrators choice.

20
21 **Mr. Chasing Hawk:** I'm available any time.

22
23 **Mr. Carver:** OK. Now Mr Intetianbor would you want to ... Do you
24 want to do any additional filings?

25
26 **Mr. Intetianbor:** At this point it doesn't really matter
27 because all I can do is just send a reply, if I'm allowed to
28 do that because I don't even know what the rules are, what
29 we're doing or what we're not doing. I can send a reply to
30 your answer and that's pretty much it because as we speak
31 right now I'm supposed to be the defendant even if it's
32 supposed to be my case but we'll just take it from there.
33 I'll pretty much send a reply in and then see what happens,
34 so.

35
36 **Mr. Carver:** OK, we have to ... there's going to need to be some
37 additional briefing because the demand for arbitration, your
38 answering counter-claim and our response don't address the
39 substantive law that applies. So ... are you available the 19th
40 and the 26th?

41
42 **Mr. Intetianbor:** Towards the end of July is not a good time
43 because I'm already using up too many times right now, so and
44 then I would rather just get this done and over with. So the
45 12th is fine. Maybe today I can send in some stuff to the
46 arbitrator, maybe more evidence or more exhibits and a reply
47 whichever way, if that's a part of the rules or if that's how

1 it works I'm not sure. If I send it then I guess there will
2 be a hearing, a full hearing and he makes his decision from
3 there. So, that's all pretty much that I can say right now
4 because anything else right ... I don't know what you mean by
5 the additional ... did you say additional hearing or ...
6

7 **Mr. Carver:** We ... we ... you have ... in a court situation where
8 you've filed a complaint if I filed an answer and counter
9 claim and you had filed an answer to the counter claim that
10 just lays out the basics of the claims but it doesn't lay out
11 the applicable statutes and laws that say which side wins. We
12 still need to submit that to the arbitrator, so what I was
13 thinking was that we can submit our evidence by the 12th and
14 then to avoid the problem of taking too many days in July we
15 can submit our evidence by the 12th, we can submit responses by
16 the 19th and then have the final hearing on August 2nd.
17

18 **Mr. Intetianbor:** OK, so you said evidence by the 12th.
19

20 **Mr. Carver:** Yeah, the arguments for why you win on your claims
21 and you win on CashCalls claims would be submitted on the 12th.
22

23 **Mr. Intetianbor:** OK, basically right now even with the
24 evidence I already submitted and submit even more doesn't
25 change anything because I'm still making a plea to a law or
26 rule I don't have a clue about. I don't even know what the
27 rules or laws of the Cheyenne River Sioux tribe is that be
28 applicable laws like you're saying because it's not readily
29 made available to the public and it's not made available to me
30 especially that's involved in this case.
31

32 **You guys are associated one way or the other and I don't even**
33 **know if you guys Akerman Senterfitt even knows the rule of the**
34 **tribe but I know CashCall just set it up, they need to provide**
35 **me with something, some way, somehow, saying OK, these are the**
36 **laws of the tribe and the rules and how it goes and this is**
37 **why you win or this is why you win or this ... you know like you**
38 **just said, but none of those is available right now. And to**
39 **even make matters worse, we're trying to defend or litigate a**
40 **matter at arbitration and we don't even know what rules apply**
41 **because I can't say for sure this is why this is wrong and you**
42 **can't say for sure why this is wrong or right.**
43

44 **We are both using the other laws of the either the Triple A or**
45 **the street court or the federal rules or state laws, this is**
46 **what we both are using right now, and continue to use until**
47 **arbitration that is supposed to be governed by the, what do**

1 you call it, the Cheyenne River Sioux tribal law, so this ...
2 I'm stuck just as much as you guys are.
3

4 **Mr. Carver:** We actually at this immediate moment you are stuck
5 more than we are, but I think I can solve that problem, I have
6 sitting in my office a copy of the Cheyenne Sioux River tribal
7 code. And I can send that to you so that you have all of the
8 applicable statutes and rules that I have.
9

10 **Mr. Intetianbor:** And ... I'm supposed to consume that in a
11 couple of months and go with it.
12

13 **Mr. Carver:** Well I ... I don't know whether it's a couple of
14 months but ...
15

16 **Mr. Intetianbor:** Or a month or so.
17

18 **Mr. Carver:** If you want ... I have no problem being reasonable,
19 if you want to have our final, our final submissions due on
20 August 2nd and then the responses due two weeks after that and
21 the final hearing at the end of August we can do that too.
22

23 **Mr. Intetianbor:** OK, what law is the arbitrator using?
24

25 **Mr. Carver:** Cheyenne Sioux River tribal code, is my
26 understanding. That's the applicable law set forth in the
27 agreement.
28

29 **Mr. Intetianbor:** OK, why don't you go ahead and send me
30 whatever information you have and let's set up a date for the
31 hearing or if the arbitrator is going to set up a date, he'll
32 let us know and then we'll go from there. And I have a few
33 questions too before the hearing. I don't know if we're doing
34 questions today or not, I don't know if it we're doing it ... at
35 another hearing, I have no clue so, regardless if it's
36 informal or not there's still got to be some kind of set rules
37 to follow. This way we don't keep dancing around back and
38 forth.
39

40 **Mr. Carver:** OK, well let's take this in two stages, one let's
41 set the schedule, you want ... do you want to set the final
42 submission date on the 2nd of August then have responses due
43 on the 16th and a final hearing at the end of August.
44

45 **Mr. Intetianbor:** So the second hearing you're saying for the
46 12th.
47

1 **Mr. Carver:** On the second of August we could ... I'll send you
2 this stack of materials.

3
4 **Mr. Intetianbor:** Mmhm

5
6 **Mr. Carver:** I'll send it out today. On the 2nd of August, you
7 and I can submit our filings as to why under the law we win,
8 then on the 16th we can submit our responses to the other sides
9 argument as to why the other side wins and then on the 30th we
10 can have the final hearing.

11
12 **Mr. Intetianbor:** OK. Is that what the arbitrator agrees on or
13 ...

14
15 **Mr. Carver:** Well first I was going to see whether you were
16 available and then I was going to make ... see whether the
17 arbitrator was available on those days because I think it's in
18 large part driven by your schedule.

19
20 **Mr. Intetianbor:** Oh, well I'm available by the 12th I just
21 said and towards the end of July, pretty much no and ... so if
22 we're going to have a hearing on the 12th and I can submit
23 whatever I need to submit before then and like you said if
24 there's anything else on the 2nd of August we can have that
25 done and towards the end of August, so ... whichever way it's
26 fine with me but for end of July, that's not going to work.

27
28 **Mr. Chasing Hawk:** As an arbitrator I have all the time in the
29 world to sit and listen to your arguments. So whatever dates
30 you guys listed already that days on my calendar and so if it
31 is agreed upon we will go with it.

32
33 **Mr. Carver:** OK, Mr. Intetianbor, why don't we set the final
34 hearing for August 30th, all right?

35
36 **Mr. Intetianbor:** OK, so ...

37
38 **Mr. Carver:** And then let's ... working backwards our submissions
39 will be due ... the submissions for why on your side why you
40 win, that submission will be due on August 2nd, and then my
41 submission for why I win will be due on August 2nd, and then on
42 August 16th you can file your opposition to my submission and
43 I'll file my opposition to your submission.

44
45 **Mr. Intetianbor:** OK, what are the submissions, this is what I
46 don't understand ... we already ... you guys already filed a claim
47 and I already ... I counter-claimed and you guys responded so

1 what's the submission for August 2nd again?

2
3 **Mr. Carver:** OK the submission for August 2nd would be ...
4 because I'm going to send you the stack of applicable laws and
5 regulations today.

6
7 **Mr. Intetianbor:** And how many pages ... let me just quickly ask,
8 how many pages would that be?

9
10 **Mr. Carver:** I don't know, it's a pretty thick stack, but not ...
11 it's the, it's the entire tribal code not all of them are
12 applicable. But I don't want to ... I don't want to pull it
13 apart.

14
15 **Mr. Intetianbor:** OK. And ... so we're talking about maybe a
16 book?

17
18 **Mr. Carver:** We're talking about maybe ... ballpark probably 2000
19 sheets of paper.

20
21 **Mr. Intetianbor:** Two Thousand sheets of paper.

22
23 **Mr. Carver:** That includes the cover page and things like that,
24 I'm looking at it sitting on the table, I haven't counted
25 them.

26
27 **Mr. Intetianbor:** OK, it doesn't hurt to send it but I can tell
28 you for sure that ... even if we have a year to go through that
29 it's not something that you could easily go through, so ...

30
31 **Mr. Carver:** OK

32
33 **Mr. Intetianbor:** But, go ahead, you said August the 2nd.

34
35 **Mr. Carver:** On August the 2nd, you know how you file a motion
36 with Judge Cohn, you would file a motion, I would file an
37 acquisition and you'd make your legal arguments in your motion
38 and I'd make legal arguments in the opposition.

39
40 **Mr. Intetianbor:** Yeah, I understand.

41
42 **Mr. Carver:** OK, this is the same thing except you're making
43 your legal arguments for why you win on your claim and why
44 CashCall loses on its claims and I'm making the, the same
45 arguments in reverse and then ... so we would do that on the 2nd
46 and then on the 16th you would file your opposition to my
47 filing and I would my opposition to your filing. And we'd have

1 to do that by, we'd have to send those by email.

2
3 **Mr. Intetianbor:** Yeah. I understand those that you just
4 mentioned.

5
6 **Mr. Carver:** OK.

7
8 **Mr. Intetianbor:** But my question is with Judge Cohn, like the
9 federal court, I kind of have an idea what the rules are
10 saying, OK, this is rule 26 A or whatever, this is rule this
11 and states that ... you'll file a motion for this item. Do you
12 understand what I'm saying like a motion to reconsider or a
13 motion to ... you understand, stuff like that.

14
15 **Mr. Carver:** OK, yes.

16
17 **Mr. Intetianbor:** So now that you guys already filed that
18 claim, I counter-claimed and you responded with your answer to
19 my counter claim the next step, you said, is August 2nd for
20 another filing or something, I don't know ...

21
22 **Mr. Carver:** OK.

23
24 **Mr. Intetianbor:** I don't know what that filing would be, would
25 it be like you are going to file claims again saying this is
26 why you win and then I respond saying this is why I win?

27
28 **Mr. Carver:** No this would be like, since you're familiar with
29 the federal rules, this would be sort of like the motion for
30 summary judgment.

31
32 **Mr. Intetianbor:** So you guys would file like a motion for
33 summary judgment.

34
35 **Mr. Carver:** Yeah ... yes because ...

36
37 **Mr. Intetianbor:** Oh, OK, then ...

38
39 **Mr. Carver:** We need to ... we need to provide the arbitrator
40 with the legal arguments and the factual support for why we
41 think we win on our respective claims.

42
43 **Mr. Intetianbor:** OK.

44
45 **Mr. Carver:** You need to provide that to the arbitrator and I
46 need to provide that.

47

1 **Mr. Intetianbor:** Yeah but we both can't file for summary
2 judgment, so you ... you guys file summary judgment because you
3 filed ... case then I file a response to the so-called summary
4 judgment and then after that the hearing for the 16th.
5

6 **Mr. Carver:** Well I was going to say we can file the ... the
7 response can be filed on the 16th and then the hearing would be
8 on the 30th.
9

10 **Mr. Intetianbor:** So the hearing August 30th.
11

12 **Mr. Carver:** Yes.
13

14 **Mr. Intetianbor:** Hearing and 16th is response ...
15

16 **Mr. Carver:** Yes.
17

18 **Mr. Intetianbor:** To something similar to summary judgment.
19

20 **Mr. Carver:** Yes.
21

22 **Mr. Intetianbor:** And August 2nd is similar to summary judgment
23 filing that you guys are going to file.
24

25 **Mr. Carver:** Yes, and you can file, you don't have to file one,
26 but you can file one that says I win on my claim, you lose on
27 your claim because you've also filed a claim.
28

29 **Mr. Intetianbor:** Yeah, we're not doing two claims at the same
30 time, are we?
31

32 **Mr. Carver:** Well my filing on August 2nd is going to be
33 CashCall wins on it's claims Mr ... and Mr. Inetianbor loses on
34 his claims.
35

36 **Mr. Intetianbor:** And then on the 16th I'm going to file a
37 response to that saying CashCall doesn't win and I win, that's
38 what you mean right?
39

40 **Mr. Carver:** OK, if you want to do it that way, you can do it
41 that way.
42

43 **Mr. Intetianbor:** No, I'm asking a question, that's what it is
44 right?
45

46 **Mr. Carver:** Yeah, that's ... yes. That's essentially what it is.
47 I more meant that on the 2nd I would file a motion and you

1 either win a motion or lose a motion. My motion would say I
2 win, you're opposition would say, no you don't. But for you
3 to win you would need to file a motion on the second saying I
4 win. But don't worry about that, I'm going to file on the 2nd,
5 you can file on the 16th and Mr. Chasing Hawk can sort out who
6 wins and who loses on the 30th.

7
8 **Mr. Intetianbor:** OK. And real quick am I allowed to ask a
9 question, Your Honor?

10
11 **Mr. Chasing Hawk:** Sure go ahead.

12
13 **Mr. Intetianbor:** OK, is there a reason why we can't go with
14 the regular federal or state law that ... is there a reason why
15 this contract is governed by the Cheyenne River Sioux tribe
16 and is the tribe aware of this?

17
18 **Mr. Chasing Hawk:** Yeah, I guess so. [inaudible 00:21:31] the,
19 the, the Western Sky is located on the reservation and so
20 their using the Cheyenne Sioux tribal law, the applicable law
21 with that and I guess that's who [inaudible 00:21:46] because
22 we don't cement ourselves to the state jurisdiction.

23
24 **Mr. Intetianbor:** OK, from my understanding the company has to
25 be legitimately within the jurisdiction of the reservation
26 and be registered and licensed by the tribal cooperation for
27 the company to have that protection that you just stated. And
28 as far as the state and the tribe is concerned, Western Sky
29 and CashCall are not within the jurisdiction of the
30 reservation and do not have that protection as stated by the
31 chairman. So why is the law not applicable when they're not a
32 tribal corporation and why are we using the tribal law when
33 it's not a registered tribal cooperation.

34
35 **Mr. Carver:** The law ... the law is applicable because that is
36 the law that is stated in the ...

37
38 **Mr. Intetianbor:** I was asking ... I'm sorry I was asking his
39 honor, not ... I wasn't asking CashCall.

40
41 **Mr. Chasing Hawk:** Because the Western Dakota or the Western Sky
42 have applied for tribal license to operate the business on the
43 reservation don't have to be incorporated but as long as the,
44 the owner has a tribal business license then he can operate on
45 this reservation, our law would be applicable to that. If I
46 own a business then I go to the [inaudible 00:23:19]
47 department, apply for [inaudible 00:23:21] license I get it,

1 and then I have to follow the tribal law.

2
3 **Mr. Intetianbor:** OK.

4
5 **Mr. Carver:** In this situation the reason why the law is
6 applicable is that that is the law that is stated in the
7 contract between Western Sky and Mr. Intetianbor.

8
9 **Mr. Chasing Hawk:** Right.

10
11 **Mr. Intetianbor:** OK, pretty much you are confirming right now
12 that Western Sky and CashCall, in this proceeding or this
13 preliminary hearing that you're recording, you're confirming
14 that the Western Sky is a tribal organization and under the
15 jurisdiction of the tribe licensed by the tribe.

16
17 **Mr. Chasing Hawk:** Right.

18
19 **Mr. Intetianbor:** Is this correct?

20
21 **Mr. Chasing Hawk:** Yeah, this is correct and also as an
22 arbitrator I have ... I don't know you, I don't know the
23 CashCalls I don't even ... any of this business until three or
24 four months ago you asked me to be arbitrator. I never met
25 this guy and so I guess the only way I know is my daughter
26 works there and that's about it. I have no [crosstalk
27 00:24:39]

28
29 **Mr. Intetianbor:** Yeah, but the thing is, if you know your
30 daughter worked there you should have made that disclosure in
31 your letter not just saying you don't know this guy or you
32 haven't met with this guy because any relationship if you're
33 an arbitrator, as an arbitrator that's supposed to be the
34 first thing that ... respectfully you should know that
35 regardless of if you ...

36
37 **Mr. Carver:** I disagree with your characterization of his
38 obligations of disclosure very strongly. He said he doesn't
39 have a relationship. The fact that his daughter might have
40 worked there does not mean that he has a relationship.

41
42 **Mr. Intetianbor:** OK, why was that not disclosed was my
43 question.

44
45 **Mr. Chasing Hawk:** My, my, my theory is that my daughter just
46 barely got a job there as giving out the loans and she's not
47 in a management position, she's just another worker that when

1 people like you calls in and gives out a loan. That's all she
2 does.

3
4 **Mr. Intetianbor:** Yeah, I understand that part, Your Honor.
5 But I'm saying even if she even is the smallest employer there
6 or she barely does anything or only gives out loans or
7 whatever she does there, she's employed by Western Sky and
8 that alone, even if the slightest thing, you should have made
9 that known, that's all I'm saying. You should have at least
10 just put it in the letter saying I ... I haven't been to dinner
11 with this guy that owns Western Sky or CashCall or whatever
12 but I do know my daughter works there and she's just an
13 employee and that's about it, you should have at least put
14 that in the letter.

15
16 **Mr. Carver:** Mr. Intetianbor you have your opinion about what
17 should be required in the letter and I disagree with you and
18 that's also not an issue for the arbitration.

19
20 **Mr. Intetianbor:** I was asking the arbitrator and he gave me
21 the permission to ask questions, that's why I was asking him.
22 I wasn't ...

23
24 **Mr. Carver:** You weren't asking a question, you were making a
25 statement as to your conclusion as to the law, that's not
26 asking a question.

27
28 **Mr. Intetianbor:** OK. Now that you're interrupting his answer.
29 How about now that we're going by the Cheyenne River Sioux
30 tribal law which he has affirmatively said that it's ... that
31 Western Sky is governed ... the [inaudible 00:27:10] is governed
32 by the law and Western Sky is an approved and licensed tribal
33 company and within the jurisdiction of the tribe. Is there a
34 way Mr. Chasing Hawk Your Honor can provide a copy of that
35 license or have them provide me with a copy of that license as
36 of today's date. This way we can ...

37
38 **Mr. Carver:** I object to that because I don't think it's
39 relevant to the arbitration whatsoever.

40
41 **Mr. Intetianbor:** I was ...

42
43 **Mr. Chasing Hawk:** I agree with that because don't think I want
44 to go up there and ask, "Hey [inaudible 00:27:42]." That's not
45 my job.

46
47 **Mr. Intetianbor:** Yeah, but Your Honor you gave that answer

1 saying that this is why they are using the tribal law because
2 they are approved by their tribe and licensed by the tribe
3 within the jurisdiction this is why the law applies. This is
4 why I'm asking [crosstalk 00:28:03]... can you hold on let me
5 finish with the arbitrator please?
6

7 **Mr. Carver:** Go ahead.
8

9 **Mr. Intetianbor:** Your Honor, you literally said that just now
10 and that's why I'm asking it doesn't hurt to ask them and say
11 ... to provide you with the license, being the arbitrator and
12 saying you have no relationship with them, even if your
13 daughter does. Can you just ask them to provide you with
14 their license? A company should not hold back on that. The
15 tribe should not hold back on that and will not hold back on
16 that. They should be able to provide you with a license
17 saying ... because any company can just walk out of anywhere and
18 tell you that they are part of the tribal corporation and
19 licensed by the tribe and you accept that. You can't do that.
20 Being able that you can do that you should still be able to
21 ask them to provide you with a license saying why they are
22 within the jurisdiction of the tribe and why they are tribal
23 corporation and they should be able to give you that for you
24 to accept that the laws of the tribe applies.
25

26 **Mr. Carver:** The reason why the laws ...
27

28 **Mr. Intetianbor:** I was asking his honor, [crosstalk 00:29:14]
29 please just let him answer, you shouldn't be answering his
30 questions. Let him decide that ... let him decide if it's
31 appropriate to ask or not. He is the arbitrator not you. So
32 please let him decide. [crosstalk 00:29:29] Your Honor can you
33 please take control please? Your Honor can you take control?
34

35 **Mr. Chasing Hawk:** [crosstalk 00:29:33] small Abraham, do you
36 mind if I call you Abraham?
37

38 **Mr. Intetianbor:** Yeah.
39

40 **Mr. Chasing Hawk:** It's a small reservation.
41

42 **Mr. Intetianbor:** I know.
43

44 **Mr. Chasing Hawk:** You have to ... you have to have [inaudible
45 00:29:55]. I got to have a tribal license to operate or the
46 governing department will be on my back and ask me to get a
47 license. Yes, if there is a business here, it's very

1 noticeable, it's obvious that they have to have a tribal
2 business even some of the men tribal business, non-Indian
3 business owners they have to have a tribal license.
4

5 **Mr. Intetianbor:** They have to have one, I understand Your
6 Honor. And that's why I'm asking for one. If it's not
7 available then they should know where to get one. So as of
8 today's date, the 21st of June and it's 12:29 PM, Your Honor,
9 you just said they have to have one to operate. So, where is
10 it? It should be publicly available. And especially to me
11 and to the attorneys of CashCall. So a copy of the license is
12 now required for me to believe that they are ...
13

14 **Mr. Carver:** A copy of the license is not now required this is
15 outside of the scope of the arbitration and it is not proper
16 for you to request that the arbitrator go get a document for
17 you.
18

19 **Mr. Intetianbor:** No, I'm not asking him. I'm asking Western
20 Sky to provide him with the document because they have claimed
21 to be a tribal corporation and he agreed that you have to be a
22 tribal corporation to be able to apply the laws of the tribe.
23 He confirmed that they are a tribal corporation, licensed by
24 the tribe, under the jurisdiction of the tribe. [crosstalk
25 00:31:15] So why is it so hard to get a license?
26

27 **Mr. Chasing Hawk:** I believe that the owner is a tribal member
28 and all I know is that he's got a tribal business license to
29 operate. He's not a corporation. I don't think is not a
30 corporation.
31

32 **Mr. Intetianbor:** Well, a business I'm guessing is a
33 corporation has a tribal license to operate his business.
34 It's a corporation.
35

36 **Mr. Carver:** I have to object, this is entirely beyond the
37 scope of this arbitration even if we were dealing with
38 substantive issues it's particularity entirely beyond the
39 scope of a preliminary hearing. The question is not how
40 Western Sky corporation works, the question is whether or not
41 under the loan agreement and with respect to issues relating
42 to the loan agreement CashCall and Mr. Intetianbor have claims
43 that are viable against each other.
44

45 **Mr. Intetianbor:** OK, with that being said, can I quickly say,
46 Your Honor, since we're not getting anywhere with that
47 question or answer to us, where the license is or if they're

1 actually licensed by the tribe, are you, Your Honor, the
2 arbitrator in this case, are you licensed by the Triple A,
3 American Arbitration Association or are you licensed by the
4 tribe, the Cheyenne River Sioux Tribe to be an arbitrator and
5 also for this case?
6

7 **Mr. Chasing Hawk:** I'm not licensed under Triple A because
8 that's not our jurisdiction over there it's outside the
9 reservation. As a arbitrator, as a tribal elder anybody can
10 become an arbitrator here as long as you know the rules and
11 regulations of the procedures that we have or the commercial
12 code that we have.
13

14 **Mr. Intetianbor:** OK.
15

16 **Mr. Chasing Hawk:** [inaudible 00:33:11] I'm the one that drafted
17 the law when I was on the tribal council back in 1996.
18

19 **Mr. Intetianbor:** OK, Your Honor, if I provided you with
20 information that says that you have to be trained and licensed
21 by the tribe to be an arbitrator will you confirm to me if you
22 were trained by the tribe to be an arbitrator or licensed by
23 the tribe to be an arbitrator or that there is a set rule or
24 regulation or some kind of formal rules that said there is a
25 tribal arbitration available at the Cheyenne River Sioux
26 tribe? Your Honor, remember you are recording this
27 conversation.
28

29 **Mr. Chasing Hawk:** Right, I'm recording it and I think I would
30 agree with the CashCall attorney that this is all irrelevant.
31 We're here to listen to your arguments on your loan and that's
32 what I'm here for. I don't think I should be giving out this
33 and that and the answers to your questions and I guess I'm
34 going to have to stay with the subject of your claims and
35 CashCall's claims.
36

37 **Mr. Intetianbor:** Your Honor, somebody's life depends on this
38 and somebody's livelihood depends on this and somebody's
39 future depends on this. If a jury selection is being made to
40 decide on a case, they are being asked questions to make sure
41 it's legitimate, OK, so this is why I'm asking Your Honor, to
42 ... these are not tough questions, these are just yes or no
43 questions and this is just legal questions that applies. This
44 is why I'm asking before we conclude this preliminary session
45 that way we know what we are doing and what we are dealing
46 with because you know that CashCall presented a case before
47 you and that I have a loan that I claimed and know that was

1 paid off to CashCall. They charged an excessive interest rate
2 and claiming that it's because it's a tribal corporation that
3 gave the loan out that the interest rate is legitimate.
4

5 **And it is your job to decide if it's true or not. So if they are**
6 **just going to go out and select anyone to be the arbitrator,**
7 **you would agree with me that, that will not be legal. So, if**
8 **you agree with me meaning there is a requirement for every**
9 **arbitrator to meet before they become an arbitrator and that's**
10 **why I need to know what requirements you met by asking just a**
11 **few questions and those answers should be available, yes or no**
12 **or I'm licensed by the tribe to be the arbitrator or I was**
13 **selected by the tribe to be an arbitrator or the tribe gave me**
14 **the permission because the rules apply being that Western Sky**
15 **is a tribal ... I'm sorry Western Sky is a tribal corporation**
16 **owned by a tribal member and the business is licensed and**
17 **within the jurisdiction of the tribe. If those answers cannot**
18 **be available I don't know what else could be available.**
19

20 **Mr. Carver:** Those answers are irrelevant because the
21 arbitration provision requires that the arbitrator be a tribal
22 elder and nothing more than that. And Mr. Chasing Hawk is a
23 tribal elder. So these other issues are entirely irrelevant
24 to both the arbitration and his qualifications as an
25 arbitrator as long as he is a tribal elder and on several
26 occasions he has said that yes he is a tribal elder.
27

28 **Mr. Intetianbor:** Yeah, you ... same contract though is written
29 by CashCall saying the arbitrator will be a tribal elder but
30 do you realize the meaning of the word arbitrator, right? So
31 we just can't jump to the conclusion that any elder will be an
32 arbitrator.
33

34 **Mr. Carver:** Actually, yes, that is what the requirement for an
35 arbitrator in this case, under this contract is only that the
36 arbitrator be a tribal elder. It's not someone who is an
37 arbitrator and a tribal elder. By virtue of being the selected
38 person you've become the arbitrator and to be selected as that
39 person you have to be a tribal elder. It doesn't mean you
40 need to be a professional arbitrator.
41

42 **Mr. Intetianbor:** OK, who selects the arbitrators?
43

44 **Mr. Carver:** Well we tried to work with you to select an
45 arbitrator and then Mr. Chasing Hawk received the demand for
46 arbitration.
47

1 **Mr. Intetianbor:** From who, from the the tribe or from
2 CashCall?

3
4 **Mr. Carver:** I ... to be honest ... to be honest with you I'm not
5 sure how he got the demand for arbitration.

6
7 **Mr. Intetianbor:** Your Honor, who selected you to be an
8 arbitrator, the tribe or CashCall?

9
10 **Mr. Chasing Hawk:** The Western Dakota owner.

11
12 **Mr. Intetianbor:** The owner of Western Sky?

13
14 **Mr. Chasing Hawk:** He also said that I've been told, he must
15 have seen me in action in the council because I'm a fair
16 person, I don't like corruption and I'm going to tell you
17 right off if there's going to be corruption I'm going to fight
18 corruption. That's where I'm coming from as a formal
19 legislature and a former trial attorney, I've been fighting
20 corruption all my life. I don't like corruption.

21
22 **Mr. Intetianbor:** So the owner of Western Sky asked you to be
23 an arbitrator for this case ...?

24
25 **Mr. Chasing Hawk:** Yes because I've been on the tribal council
26 for 20 years.

27
28 **Mr. Intetianbor:** Yeah, is the tribe aware of this selection
29 process?

30
31 **Mr. Chasing Hawk:** [Inaudible 00:39:03] because again this is a
32 private business deal. The tribe has nothing to do with any of
33 this business.

34
35 **Mr. Intetianbor:** Yes, Your Honor, the reason it has something
36 to do with is because I understand you said it's a private
37 business and you claim that the company is a tribal
38 corporation so the tribe would definitely have something to do
39 with it if it's true that a tribal corporation and then they
40 applying the laws of the tribe. So the tribe should be aware
41 of this and know about this and make the selection process to
42 make it legal. Otherwise it's not.

43
44 **Mr. Carver:** Mr. Intetianbor this is no different than a
45 company in Florida becoming registered as a Florida
46 corporation and operating under Florida law. That does not
47 mean that the governor of Florida knows anything about that

1 particular company.

2
3 **Mr. Intetianbor:** I understand you but now we're on ... coming on
4 to the same page because I have documentation showing that
5 Western Sky is not registered with the tribe or even under the
6 tribal corporation or even licensed in any way. So if I
7 present you with that documentation ...
8

9 **Mr. Carver:** If you want to make that argument as a basis for
10 why you win or CashCall loses that the time to make that
11 argument is not in this preliminary hearing it's in the filing
12 that you do either on August 2nd or on August 16th.
13

14 **Mr. Intetianbor:** I think during that hearing I will be
15 presenting my argument on why CashCall ...
16

17 **Mr. Carver:** You're entitled to argue whatever you want but my
18 point is I don't think ... today is not the day for that
19 argument, I don't think.
20

21 **Mr. Chasing Hawk:** Yeah, I'd agree with that.
22

23 **Mr. Intetianbor:** OK, I understand, Your Honor, you agree with
24 everything that's said pretty much ... So we will have something
25 similar to a summary judgment being filed by CashCall to ...
26 submitted on the 2nd. I will have a response on August 16th
27 and as arranged for August 30th that would be what, the final
28 hearing, right?
29

30 **Mr. Chasing Hawk:** Yes, August 30th would be the final hearing.
31

32 **Mr. Intetianbor:** OK. And finally, let's see, for the we
33 agreed so far that you will not disclose if you are licensed
34 by the tribe to be an arbitrator or disclose if Western Sky is
35 licensed by ... well you did say they were licensed by the tribe
36 but there is no evidence and my evidence proves otherwise.
37 And then you also said that Triple A doesn't apply because the
38 company is licensed by the tribe and the tribal law applies
39 but you couldn't give me a reason why it does.
40

41 **So pretty much I'll hold off on that for now. And even though I**
42 **strongly disagree with the evidence proving otherwise to**
43 **everything that has just been said and I would like for you to**
44 **respectfully disclose to the court, just as you wrote a letter**
45 **saying that you didn't have anything to do with the parties,**
46 **you need to also write a letter disclosing your relationship**
47 **with Mr. Webb that you claim in the beginning that you don't**

1 even know but he came to you personally and selected you as
2 the arbitrator, that you claim not to know him and all of the
3 sudden came to you and selected you as an arbitrator and also
4 you were well aware of your daughter that you just never made
5 those disclosure.
6

7 So, I would appreciate it if you would also make those
8 disclosure and any other disclosure which will ... we need to
9 know now before I make them myself. And then we'll go from
10 there.
11

12 **Mr. Carver:** I'm not entirely sure what Mr. Intetianbor is
13 requesting but I don't think that, from what I understand his
14 request to be that it is an appropriate request that the
15 arbitrator provide an additional letter beyond the initial
16 letter that was provided.
17

18 **Mr. Intetianbor:** It doesn't have to be a letter it could be
19 whatever form of disclosure he wants to make, he can make that
20 disclosure that way we know he's being fair and disclosure
21 doesn't harm, it's not ... it doesn't harm anything if you want
22 to be fair in arbitration, in trial. You just have to
23 disclose it, it doesn't hurt anything.
24

25 **Mr. Carver:** Mr. Intetianbor you're assuming that there are
26 things that are ... that exist that are required to be disclosed
27 that are within the scope of this arbitration and I disagree
28 with you whether or not the arbitrator agrees with me or
29 agrees with you is Your Honor's decision.
30

31 **Mr. Intetianbor:** That's why I'm asking His Honor and not you.
32

33 **Mr. Chasing Hawk:** I guess I can provide you with the disclosure
34 which it to me is irrelevant to what you're doing, I guess
35 from my perspective you're just saying right off the bat that
36 I'm a dishonest person, I don't belong in here and you want
37 somebody in your favor to be ... to give you a good judgment on
38 your part. And I disagree with that again because I'm a fair
39 person, I like to hear both sides of the story before I make a
40 decision and I've been doing that for 20 years.
41

42 **Mr. Intetianbor:** Yeah, Your Honor, I'm not asking for somebody
43 on my side to give me ... to do me a favor. Those questions I
44 asked they're not questions to favor me, I don't even want
45 somebody I know because according to the laws I'm not even
46 supposed to be associated with the arbitrator as much as the
47 defendant ... CashCall is not supposed to be associated with the

1 defendant.

2
3 Now that we know that it's not the case that's why I was asking
4 why those disclosures weren't made that the least you could
5 have done Your Honor was say this is my disclosure, Mr. Webb
6 the owner of Western Sky came to me to become the arbitrator
7 and the tribe is not aware of this or and also my daughter
8 works as an employee for the Mr. Webb and some other
9 information which I'm not going to say right now. You could ...
10 you could have just added that to the letter because simply
11 stating that you have no relationship whatsoever with both
12 parties is a really big statement that doesn't go well and
13 makes it a clear statement saying you don't even have an idea
14 who these people are.

15
16 But you've stated over and over again how you know this man, how
17 he has a business in the tribe and how he's registered with
18 his tribe and how he has a license with the tribe and how your
19 daughter works there and how he's came to you to become an
20 arbitrator. So those are contradicting statements this is why
21 I was asking for clarification and this is why I was asking
22 for you to make this same statement known or disclose it
23 before taking on a hearing for the arbitration this way we
24 both know. Nobody is saying anything else that's so
25 complicated or not doable. It is just a simple disclosure.
26 [crosstalk 00:47:07] And that's not taking you out of the
27 office.

28
29 Mr. Chasing Hawk: Mr. Intetianbor but if I was in your shoes I
30 wouldn't ask what you're asking to the arbitrator I would not
31 ask because that would question his integrity. No I will not
32 do that.

33
34 Mr. Intetianbor: So me asking those ... for the disclosure
35 [crosstalk 00:47:27] is questioning your integrity?

36
37 Mr. Chasing Hawk: Because I respect that arbitrator and I don't
38 care who that person is. All I know is that he is going to be
39 fair. That's my feelings and thinking about what I'm going to
40 do if I ever get into [inaudible 00:47:42]

41
42 Mr. Intetianbor: Yeah, but Your Honor [crosstalk 00:47:46] the
43 FAA rules require that those disclosures be made just like ...
44 CashCall they made that argument that the FAA the requirements
45 for arbitration and I had ... they had that in their argument to
46 compel arbitration. So if they can have that in their
47 argument to compel arbitration the FAA rule continues to

1 apply. Meaning that [crosstalk 00:48:14] disclosures could be
2 made to have at least we will know, me and them, everybody
3 will be on the same page, saying OK the arbitrator in this
4 case will be Mr. Chasing Hawk and this is who he is. And
5 we'll know, OK this is who you are and you're doing our
6 arbitration. But none of those disclosures were made so it's
7 like a half-way road and not having an idea who the arbitrator
8 is.

9
10 **Mr. Carver:** Mr. Intetianbor I don't know what rules you're
11 talking about but clearly you have all the information that
12 you claim was necessary to be disclosed so I'm not sure what
13 additional purpose this conversation has.

14
15 **Mr. Chasing Hawk:** I agree with that on that one. I think to me
16 ... I, I gave you the disclosure, what is your problem with
17 that? I agree with that even though that we talked about all
18 the details and I will hear both arguments and I will make my
19 decision on August 30th.

20
21 **Mr. Intetianbor:** OK, I look forward to that disclosure. And ...

22
23 **Mr. Carver:** Well wait, before we talk about this disclosure I
24 am somewhat, somewhat concerned about a disclosure that I
25 don't think is necessary and I'm not quite sure what Mr.
26 Intetianbor thinks he's going to do with it but I would hope
27 it would not be to post it on the internet.

28
29 **Mr. Intetianbor:** OK, why would I be posting a disclosure on
30 the internet. The arbitrator just agreed to submit his
31 disclosure before we proceed for a hearing and it's his
32 decision to give his disclosure not yours. So if he's
33 [crosstalk 00:50:00] giving a disclosure for me to proceed ...

34
35 **Mr. Carver:** Mr. Intetianbor you have a lengthy internet
36 activity. Our arbitrator needs to know that whatever he
37 writes for you is probably going to end up posted on a blog or
38 filed with Judge Cohn. It's only fairness that he understand
39 that.

40
41 **Mr. Intetianbor:** OK, if ...

42
43 **Mr. Chasing Hawk:** [crosstalk 00:50:20]

44
45 **Mr. Intetianbor:** He provided a letter that was ...

46
47 **Mr. Chasing Hawk:** [crosstalk 00:50:24] with the federal court

1 that he says I have ten kids. I don't have ten kids. This
2 gentleman from North Carolina called and made reference to
3 Intetianbor and [crosstalk 00:50:43]
4

5 **Mr. Intetianbor:** From North Carolina?
6

7 **Mr. Chasing Hawk:** [crosstalk 00:50:45] about the laws, the
8 tribal laws and all this stuff here.
9

10 **Mr. Intetianbor:** Your Honor you said that somebody called from
11 North Carolina saying he is Mr. Intetianbor?
12

13 **Mr. Chasing Hawk:** Yeah, he mentioned your name.
14

15 **Mr. Intetianbor:** He mentioned my name?
16

17 **Mr. Chasing Hawk:** Right. Supposed to have a hearing on
18 [inaudible 00:51:03] and I said yes it starts in about 30
19 minutes I have ... that was about 9:30 this morning he called.
20

21 **Mr. Intetianbor:** He called this morning about me.
22

23 **Mr. Chasing Hawk:** He gave me the number 800-849-5291.
24

25 **Mr. Intetianbor:** Hold on.
26

27 **Mr. Chasing Hawk:** [Inaudible 00:51:20] [crosstalk 00:51:22]
28

29 **Mr. Intetianbor:** Can you say that number again please, 800 ...
30

31 **Mr. Chasing Hawk:** 849-5291 from North Carolina.
32

33 **Mr. Intetianbor:** 5291?
34

35 **Mr. Chasing Hawk:** Yes, he works for Wallace and Graham.
36

37 **Mr. Intetianbor:** He works for Wallace and Graham?
38

39 **Mr. Chasing Hawk:** That's right. I don't know what city, they
40 called me and made reference to [inaudible 00:51:48] your name
41 Abraham Intetianbor.
42

43 **Mr. Intetianbor:** What did he say he wanted?
44

45 **Mr. Chasing Hawk:** He wanted some information as to what time
46 I'm going to have the hearing all that stuff. So [inaudible
47 00:52:02] [crosstalk 00:52:03]

1
2 **Mr. Intetianbor:** I don't have a clue to who these people are
3 but obviously the case is not a secret, but I will find out
4 who they are and why they called and mentioned my name, well
5 they probably mentioned my name because it's related to the
6 case. I will find that information out. But what I was going
7 to answer to Mr. Christopher Carter is don't say that my
8 activity is all over the internet and that's ... first that's
9 wrong. Even if I said I word or two here doesn't mean my
10 activity is all over the internet. That's a wrong statement.
11 And number two, the letter the arbitrator wrote to the judge,
12 you were the one that gave it to the judge, not me.
13

14 **And secondly if he has agreed as he has agreed to make his**
15 **disclosure and you will also have to give that to the judge or**
16 **to myself. Either way it doesn't harm a fly. It's just the**
17 **rule, you just have to make your disclosure known and the**
18 **selection process, know if you want to and then we are in the**
19 **clear. It does ... you can't say, tell him not to make his**
20 **disclosure when he's agreed to make his disclosure because you**
21 **think that I'm going to put it somewhere on the internet. I**
22 **don't know where you come up with your stuff or your idea but**
23 **at this point [crosstalk 00:53:31] you can't be using excuses**
24 **that ...**
25

26 **Mr. Chasing Hawk:** It's in the court order.
27

28 **Mr. Intetianbor:** Say that again Your Honor.
29

30 **Mr. Chasing Hawk:** You mentioned my name, that I'm on the
31 Facebook that's how you got your information that I have ten
32 kids which is not true.
33

34 **Mr. Intetianbor:** No, that's not how I got my information about
35 your kids, Your Honor, that information was from a reliable
36 source, stemming from two marriages combined, and that's not ...
37 we can't be fighting over that right now but at the least you
38 know and I know that from even your second marriage there was
39 seven kids from that, we can't deny that fact. This
40 information was provided from a reliable source and can not be
41 disputed and I do have all the proof and all the records, we
42 shouldn't even go there, that's number one. And number two ...
43

44 **Mr. Chasing Hawk:** You want a disclosure on that.
45

46 **Mr. Intetianbor:** No, I don't need a disclosure on that. We
47 don't even ... I don't need a disclosure on that. I just need a

1 disclosure on, that ... that your daughter ... for you not
2 mentioning earlier that your daughter works for Western Sky
3 and also for you not mentioning earlier that it was the owner
4 of Western Sky that came to you to ...

5
6 **Mr. Chasing Hawk:** You're repeating yourself ... you know I ... I
7 think you're just repeating yourself as a [inaudible 00:54:58]
8 redundancy whatever you call it.

9
10 **Mr. Intetianbor:** Your Honor I was clarifying the answer to
11 your question because you mentioned something I disagreed with
12 so I was clarifying it that way you know how it happens. I
13 don't know if you understood me when I said it the first time
14 so, I was answering your question.

15
16 **Mr. Carver:** OK, I think ... do we have any more procedural
17 issues that need to be resolved?

18
19 **Mr. Chasing Hawk:** I think that's been taken care of, I think
20 this one here went too far, it's irrelevant that I have to
21 provide the promise that he will not put those in any ...
22 [crosstalk 00:55:40]

23
24 **Mr. Intetianbor:** I already said that it's not going on the
25 internet and you can bet your words on that one. You
26 understand? I am not two years old, I don't play around, I
27 don't have time to dick around, I'm not two years old. I have
28 given you my word. I guarantee you. I don't even have time
29 for that nonsense. Why would I go post a letter from you on
30 the internet. It's not ... under my control what a court does
31 with it.

32
33 **Mr. Chasing Hawk:** When you were talking about my ex-wife where
34 you got the information, who is the ex-wife because as a
35 Vietnam veteran with PTSD I have five ex-wives that I have
36 [crosstalk 00:56:15]

37
38 **Mr. Intetianbor:** Yeah, this is why I said I didn't want to go
39 into that. I didn't say any of your ex-wives gave me the
40 information. That's not what I said. I just said about the
41 kids from previous marriages and current wife. That's not
42 what I even said that you ex-wife gave me any information.
43 I'm just saying that the information that I have at my
44 disposition. If I wanted to post [inaudible 00:56:36] on the
45 internet, I could have done that. I could have done it a long
46 time ago but you don't see me doing that. So that's not me.
47 Whatever I asked to be given to the judge has to be given to

1 the judge. It's just as simple as that. The clarification we
2 need is the same clarification you just agreed to provide this
3 your disclosure saying this guy came to me, I know him and
4 decided to be the arbitrator. And then my daughter only works
5 there as an employee. Period. It's not that difficult to do.
6

7 **Mr. Carver:** You're making statements as to what a disclosure
8 required that I don't think that you could adequately support.
9 And you're stating law to the arbitrator as if it is a fact
10 when it is only your opinion of the law. I think where we are
11 now is that we have a hearing set. I would request that the
12 arbitrator send out an email confirming the schedule so that
13 we both have it in writing. And I don't know that there's
14 anything more that we can do today in the preliminary hearing.
15

16 **Mr. Intetianbor:** OK, and then Mr. Carver you're confirming
17 that the FAA rules doesn't require you to disclose your
18 relationships with the parties. Is that what you're saying
19 Mr. Christopher Carver?
20

21 **Mr. Carver:** Mr. Intetianbor I'm saying that we're done for the
22 day. You have your opinion of the law, you have your opinion
23 as to whether or not the disclosure was adequate and that is
24 something that you can seek to address after the arbitration
25 but I don't think that the time for addressing it is right
26 now.
27

28 **Mr. Intetianbor:** OK, And, so when will the next telephone
29 hearing be? On the 12th?
30

31 **Mr. Carver:** No, I think ... I think the schedule was that
32 there's not going to be another telephonic hearing until the
33 final hearing on the 3rd, on the 30th I'm sorry, of August.
34

35 **Mr. Intetianbor:** OK, so no telephone hearing until the 30th of
36 August.
37

38 **Mr. Carver:** Yeah, I think ... unless you think we need one
39 before that.
40

41 **Mr. Intetianbor:** That would be for the arbitrator to decide
42 not me.
43

44 **Mr. Chasing Hawk:** I think we'll just stay with the August 30th
45 hearing. And we'll have a telephonic hearing at that time.
46

47 **Mr. Intetianbor:** All right. So we have a ...

1
2 **Mr. Chasing Hawk:** Is that Mountain Standard Time again?

3
4 **Mr. Intetianbor:** Say that again.

5
6 **Mr. Chasing Hawk:** Ten o'clock Mountain Standard Time.

7
8 **Mr. Intetianbor:** Ten o'clock, for the 30th?

9
10 **Mr. Carver:** Yeah, that would be noon Eastern Time Mr.
11 Intetianbor.

12
13 **Mr. Intetianbor:** OK, noon, Eastern Time and on August 30th for
14 the final hearing.

15
16 **Mr. Carver:** Right.

17
18 **Mr. Intetianbor:** OK, I have that on my calendar.

19
20 **Mr. Carver:** And then we have the submission dates are on the
21 second of August and the 16th of August.

22
23 **Mr. Chasing Hawk:** OK.

24
25 **Mr. Carver:** OK?

26
27 **Mr. Intetianbor:** You guys are submitting on the ... sorry, on
28 the 2nd of August and I'm responding on the 16th.

29
30 **Mr. Carver:** Yeah or if you [crosstalk 00:59:44]

31
32 **Mr. Chasing Hawk:** Can I have one request that either party
33 don't call me on my personal phone because that's what
34 Intetianbor did call me and I said this and that so he
35 mentioned that in the [inaudible 00:59:59] or files and I kind
36 of, that's like I got another call from Intetianbor on my home
37 phone but I didn't answer that phone.

38
39 **Mr. Intetianbor:** Yeah, Your Honor those are the numbers that
40 you provided in your email. So I don't know why you would
41 provide those numbers on your email to be called and you don't
42 want to be called on those numbers.

43
44 **Mr. Chasing Hawk:** [crosstalk 01:00:20] I don't want to talk
45 about anything because I guess witch hunting is the word that
46 ... he said this or he said that and I don't like to be put in
47 the paper and especially federal documents.

1
2 **Mr. Intetianbor:** OK, so, from now on no one can call you, we
3 can just wait until the 30th because we don't even have a
4 reason to call you before the 30th I guess. I'll wait to the
5 30th and call the same number to Akerman Senterfitt.

6
7 **Mr. Carver:** Yeah, we can use the same call in number, it's
8 just easier. That way you can call in from anywhere.

9
10 **Mr. Intetianbor:** OK. And is that an agreement Your Honor.

11
12 **Mr. Chasing Hawk:** Yes, agreement there. And then use the email
13 to write me something and I'll respond but it will be made
14 copies to the other party too. [crosstalk 01:01:25]

15
16 **Mr. Intetianbor:** Yes, I copied them in emails just like you
17 copied me in emails, so.

18
19 **Mr. Carver:** And Mr. Intetianbor do you want to agree to a page
20 limit on the filings?

21
22 **Mr. Intetianbor:** Those should already be set rules, it
23 shouldn't be decided now, it should be in existence, that's
24 what I'm saying. We just can't keep making rules as we go on
25 an arbitration case, we should already be in existence as you
26 guys have claimed.

27
28 **Mr. Carver:** Mr Intetianbor actually in an arbitration you can,
29 the arbitrator, if the parties want to agree to a particular
30 page length for their filings that's entirely appropriate in
31 an arbitration.

32
33 **Mr. Intetianbor:** OK, So what's the current set rule of the
34 Cheyenne River Sioux Tribe arbitration page rule. What's the
35 set law right now.

36
37 **Mr. Chasing Hawk:** [crosstalk 01:02:17] an arbitration and I
38 think both parties would compromise you don't have to really
39 follow rules and regulations that's why I mentioned it's going
40 to be informal and we'll agree we don't have to follow this
41 and that because if we follow all the rules and regulations
42 we're going to be jammed up here.

43
44 **Mr. Intetianbor:** That's a big statement Your Honor.

45
46 **Mr. Chasing Hawk:** I think that the pages, the page limit is I
47 agree with that. They don't have to be 20 pages or 30 pages,

1 it can be only six pages, five pages or whatever.

2
3 **Mr. Intetianbor:** Yeah, I understand Your Honor, but what's the
4 set rule right now being that there is already a rule in ... as
5 claimed, that there is already an arbitrational set rule,
6 what's the current rule that way I have an idea of what we're
7 sticking to or what we're going by. What is the the set rule
8 of the Cheyenne River Sioux Tribe as we speak on today's date
9 that's available.

10
11 **Mr. Chasing Hawk:** Well let me say this, that there's no set
12 rules and that's why I said we don't have any formal hearing
13 here.

14
15 **Mr. Intetianbor:** OK, so pretty much there's no set arbitration
16 rules.

17
18 **Mr. Chasing Hawk:** [crosstalk 01:03:29] unless if you want to
19 set some rules then the tribe has to adopt a Triple A which
20 they don't.

21
22 **Mr. Intetianbor:** As I said there's pretty much no arbitration
23 rules for arbitration at a tribe and we just have to come up
24 with one now and make it informal and just go from there.

25
26 **Mr. Carver:** Right.

27
28 **Mr. Intetianbor:** All right.

29
30 **Mr. Carver:** That raises actually my question Mr. Intetianbor
31 do you want to agree to a page limit for these filings.

32
33 **Mr. Intetianbor:** Pretty much, I don't even know what page
34 limits are agreed to.

35
36 **Mr. Carver:** No, my question is do you want to see if you and I
37 can agree to a certain number of pages which is acceptable to
38 the arbitrator would be the page limit that binds us.

39
40 **Mr. Intetianbor:** OK.

41
42 **Mr. Carver:** I'm trying to make it ... A simple question has
43 gotten much more complicated than I intended it to be.

44
45 **Mr. Intetianbor:** I understand what you're saying but remember
46 how simple questions got so much complicated than I expected
47 it to be. This is why. And this is why you're simple

1 questions get more complicated than it's supposed to be
2 because as far as I've known and heard from you guys there's
3 already a set rule of arbitration. If there is why is it not
4 being provided and why don't even you or the arbitrator know
5 what the set rule is. And that way I can use my guidance from
6 there. But since there is no set rule as to arbitration or
7 page limit and all that and now I guess we just have to make
8 one up. And say OK, ten pages for writing, five pages for
9 writing or certain of number of pages for exhibits and
10 whatever rules we're making right now which, it's not like I'm
11 agreeing to it but you guys can set a page that you want to
12 set and I'll submit the information that's required of me
13 because the court has ordered me to participate and we'll go
14 from there.

15
16 **Mr. Chasing Hawk:** Yes ... if I was a respondent I would agree
17 with the other party that yes, let's set up a page limit,
18 there's a ... maybe five pages to make it simple, five or ...
19

20 **Mr. Carver:** Hello.

21
22 **Mr. Intetianbor:** Hello.

23
24 **Mr. Carver:** Mr. Intetianbor I think we lost the arbitrator for
25 a second.

26
27 **Mr. Intetianbor:** Yeah, it sounds like something got
28 disconnected, I don't know.

29
30 **Mr. Carver:** Yeah, I suspect that he will call back in in a
31 second.

32
33 **Mr. Intetianbor:** Mr. Carver are you there.

34
35 **Mr. Carver:** I'm here, I'm sending the arbitrator an email.

36
37 **Mr. Intetianbor:** OK. And if he doesn't call in in about five
38 minutes should we just stick to the schedule that's already
39 discussed and go from there or ...
40

41 **Mr. Carver:** Yeah, exactly, if he doesn't call back in, I mean
42 who knows what happened, maybe the line was cut.

43
44 **Speaker 1:** Joining the meeting

45
46 **Mr. Carver:** There we go.
47

1 **Mr. Intetianbor:** OK.

2
3 **Mr. Chasing Hawk:** Hello, I got disconnected here.

4
5 **Mr. Intetianbor:** Yeah, it looks like your phone got
6 disconnected.

7
8 **Mr. Carver:** OK, I guess where we are is we have a schedule, we
9 will ... from CashCall's perspective we will try to keep our
10 filing on the 2nd as short as possible and we'll go from there.

11
12 **Mr. Intetianbor:** OK. And I'll try to keep mine as short as
13 possible and we'll go from there.

14
15 **Mr. Carver:** All right. And Mr. ... Your Honor you're going to
16 send out an email confirming the schedule?

17
18 **Mr. Chasing Hawk:** Yes.

19
20 **Mr. Carver:** OK, thank you all.

21
22 **Mr. Intetianbor:** All right thank you guys.

23
24 **Mr. Chasing Hawk:** [crosstalk 01:08:20] have a good day.

25
26 **Mr. Intetianbor:** You have a good day.

27
28 **Mr. Chasing Hawk:** Bye-bye.